

1 The Honorable Thomas S. Zilly
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 BAO XUYEN LE, as Personal Representative
10 of the Estate of TOMMY LE; HOAI "SUNNY"
11 LE; and DIEU HO,

Plaintiffs,

12 vs.
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14 REVEREND DR. MARTIN LUTHER KING
15 JR. COUNTY; and KING COUNTY DEPUTY
16 SHERIFF CESAR MOLINA,

Defendants.

17 No. 2:18-CV-00055-TSZ
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DECLARATION OF GIRMAY
ZAHILAY IN SUPPORT OF KING
COUNTY'S MOTION TO QUASH
AND FOR PROTECTIVE ORDER

20 I, Girmay Zahilay, declare under penalty of perjury under the laws of the United
21 States and the State of Washington that, to the best of my knowledge, the following is
22 true and correct:
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- 24 1. I am over the age of 18 years and am competent to testify as to the matters
25 stated herein.
- 26 2. I am a member of the King County Council, representing District 2, and
27 assumed that position on January 6, 2020.

DECLARATION OF GIRMAY ZAHILAY IN SUPPORT
OF KING COUNY'S MOTION TO QUASH AND FOR
PROTECTIVE ORDER - 1

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3. One of my responsibilities as a King County councilmember includes serving as the chair of the King County Council Law and Justice Committee.
4. On September 2, 2020, I chaired a Law and Justice Committee meeting remotely with six other King County councilmembers. One of the matters on the agenda at that meeting was a systemic review by the Office of Law Enforcement Oversight (OLEO) of the June 14, 2017, officer-involved shooting of Tommy Le.
5. At that hearing, then-OLEO Director Deborah Jacobs provided a briefing of the OLEO report, remarks were provided by members of the Le family as well as by Mr. Michael Gennaco, the author of the OLEO report and King County Sheriff Mitzi Johanknecht.
6. I, along with other King County councilmembers, asked questions of the various speakers and made comments during the committee meeting, which was recorded and videotaped. This is the usual fashion in which committee meetings are maintained during the COVID-19 pandemic.
7. The questions I asked and the comments I made at this committee meeting were done so in my capacity as a King County councilmember. I view the questions I asked about the June 14, 2017, officer-involved shooting involving Mr. Le to have been done within my legislative capacity and activities.

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8. It is my opinion that if I was subjected to a deposition for remarks I made in my capacity as a councilmember regarding legislative actions, it would have an adverse effect on legislative tasks and legislative independence.

9. I did not view my remarks made at the September 2, 2020, meeting to be made on behalf of the entire King County Council, nor did I view my remarks to be made on behalf of King County in any civil litigation arising out of the June 14, 2017, incident.

DATED this 21st day of December, 2020, at Seattle, Washington.


GIRMAY ZAHILAY

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